IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH:AT HYDERABAD.

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE,

TWO THOUSAND AND FOUR

PRESENT:

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION. No. 1363 OF 1999.

Between

1. S.Kishan Rao (Died)

2. S.Sreenivasa Rao.

3. S.Purnachandra Rao.

(Petitioners 2 and 3 are brought on record as LRs of the deceased, sole petitioner, as per Court Order dt.28-10-1999 in WPMP. No. 27793/99)

…..Petitioners

and

1. The District Revenue Officer, Mahaboobnagar dist, Mahaboobnagar.

2.Allu Buchi Reddi.

…..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to call for the records from the respondent No.1(The District Revenue Officer, Mahaboobnagar) in his proceedings in Case No.B8/9/97, dt. 22-12-1998 and declare the same as illegal and void by issuing an appropriate Writ, Order or direction, preferably one in the nature of Certiorari.

FOR THE PETITIONERs: Sri K.Mahipathi Rao, Advocate

FOR RESPONDENT No1: Govt. Pleader for Revenue.

FOR RESPONDENT No. 2: Mr.Waseem Ahmed, Advocate

The Court made the following Order:

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION No. 1363 OF 1999.

ORDER:

This Writ Petition is filed, questioning the order dated 22-12-1998 in proceedings No.B8/9/97, passed by the District Revenue Officer, Mahaboobnagar District, first respondent herein. The said order is passed in exercise of powers under Regulation 15(2) of the A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli.

On an application filed by the second respondent, the same was entertained under the provisions of the A.P.(Telangana Area) Record of Rights in Land Regulations 1358 Fasli and *ex-parte* order was passed on 18-2-1997. When the petitioner has filed application to set aside the said *ex parte* order, the case was re-opened and impugned order dated 22-12-1998 was passed, confirming the earlier order dated 18-2-1997.

It is submitted by the learned Counsel for the petitioners, Sri K.Mahipathi Rao that the order passed is without jurisdiction, inasmuch as the very Regulations were repealed as per Section 13 of the A.P. Rights in Land & Pattadar Pass Book Act, 1971. The learned Counsel for the petitioner placed reliance on the

judgments of this Court in Writ Petition No. 9340 of 1991, dated 21-2-1997, Writ Petition No. 16203 of 1991, dated 14-7-1994 and Writ Petition Nos. 4942 & 5132 of 1975, dated 3-8-1977.

In the above referred judgments, this Court has taken the view that in view of repeal of A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli, after enforcement of A.P. Rights in Land & Pattadar Pass Book Act, 1971, the application is not maintainable and the order passed under A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli is without jurisdiction.

Following the judgments of this Court referred to above, this Writ Petition is allowed and the impugned order dated 22-12-1998 in proceedings No. B8/9/97, passed by the District Revenue Officer, Mahaboobnagar District is set aside. However, it is made clear that it is open for the second respondent to seek redrassal before the competent authority, as per the provisions under A.P. Rights in Land & Pattadar Pass Book Act, 1971.

The Writ Petition is allowed to the extent indicated above. No costs.

JUSTICE R. SUBHASH REDDY

That Rule Nisi has been made absolute as above

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday the twenty third day of June, Two Thousand and Four.

To

1. The District Revenue Officer, Mahaboobnagar dist, Mahaboobnagar.
2. Two CCs to Govt. Pleader for Revenue, High Court of AP, Hyderabad. (OUT)
3. Two CD copies.